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COUNTY OF BUTTE

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Attorneys for Defendants

BUTTE COUNTY DEFENDANTS

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CANNON HUGH DANIELS, deceased;
decedent's wife, ARIELE ROSTAMO aka
ARIELE NELSON; decedent's mother,
SUSAN ADELL DANIELS; and decedent's
father, JOSEPH ALBERT DANIELS, IV,
individually,

Case No.: 2:21-cv-0277 JAM-JDP

JOINT STIPULATION AND ORDER

Plaintiff,

vs.

CALIFORNIA FORENSIC MEDICAL
GROUP, INC., WELLPATH
MANAGEMENT, INC., BUTTE COUNTY,
S. Parker, D. Brownfield, Sergeant Turner,
Sergeant Behlke, Deputy Darnell, Deputy
Smith, Deputy Yee, Deputy Bazan, Deputy
Thornton, Sergeant Mell, Deputy Lazurenko,
Deputy LaRue, Deputy Ogden, Deputy
Mayfield, Deputy Davis, Deputy Tauscher and
Lt. Jarrod Agurkis, SACRAMENTO
COUNTY, Officer McKersie, Sergeant Bunn,
Sergeant Jenkins, Officer Rickett, Lieutenant
Hodgkins, Officer Gailey, Officer Tallman,
Officer Pomosson, and Officer Folena

Defendants. /

Complaint Filed: 02/11/2021

IT IS HEREBY STIPULATED by and between the parties through their counsel of record:

1. On or about February 26, 2020, Plaintiffs filed an action, Case No. 2:20-cv-00445-JAM-EFB (hereinafter “Daniels I”).
2. On or about February 11, 2021, Plaintiffs filed the instant action, Case No. 2:21:cv-MCE-CKD (hereinafter “Daniels II”).
3. The actions referenced in paragraphs 1 and 2 above arise out of the same factual circumstances.
4. On or about October 12, 2021, in Daniels II, the parties filed a “Joint Stipulation of Dismissal and Order” for all of the County of Butte and County of Sacramento defendants, including the individual and entity defendants. Dckt. No. 6. However, the Court never acted on the proposed order.
5. On or about February 17, 2021, Plaintiff filed a “Notice of Related Case.” Dckt. No. 7. By way of the Notice, Plaintiffs informed the Court that Daniels I and Daniels II “are related in that they have common issues of act and law and plaintiffs are the same for each case.” Id.
6. On or about January 3, 2022, the Court issued a “Related Case Order.” Dckt. No. 8. The Court reassigned Daniels II to Judge John A. Mendez and Magistrate Judge Jeremy D. Peterson for all further proceedings. Id. The Court also vacated all dates set forth in Daniels II and stated the case number for Daniels II was changed to 2:21-cv-0277 JAM-JDP. Id.
7. The current deadline to disclose experts in Daniels I is this Friday, March 18, 2022.
8. To promote efficiency and to avoid potential confusion for the Court and parties, the parties agree to the following:
 - a. Daniels I should be dismissed with prejudice¹;
 - b. All discovery that has occurred in Daniels I shall be able to be used in Daniels II to the same extent that it would have been able to be used in Daniels I;
 - c. The parties agree to voluntarily exchange reports for their law enforcement jail policies and practices experts on or before March 18, 2022, and that the experts may supplement their reports based on additional discovery performed in the future to the extent each expert deems reasonable or necessary to do so;
 - d. Plaintiffs withdraw the previously filed dismissal, Dckt. No. 6, discussed in paragraph 4,

¹ A separate stipulation will be filed in Daniels I requesting the Court dismiss the case.
{02653566.DOCX}

above.

- e. Plaintiffs request the Court dismiss the **individual** County of Butte and **individual** County of Sacramento Defendants, including, S. Parker, D. Brownfield, Sergeant Turner, Sergeant Behlke, Deputy Darnell, Deputy Smith, Deputy Yee, Deputy Bazan, Deputy Thornton, Sergeant Mell, Deputy Lazurenko, Deputy LaRue, Deputy Ogden, Deputy Mayfield, Deputy Davis, Deputy Tauscher, Lt. Jarrod Agurkis, Officer McKersie, Sergeant Bunn, Sergeant Jenkins, Officer Rickett, Lieutenant Hodgkins, Officer Gailey, Officer Tallman, Officer Pomosson, and Officer Folena, with prejudice.
 - f. The deadline for Defendants County of Sacramento and County of Butte to respond to the complaint in Daniels II shall be within 21 days of the date of the Court's order on this instant stipulation and proposed order.
9. Currently, there are no deadlines set in Daniels II. Dckt. No. 8. The parties request the Court issue a scheduling order for Daniels II, including the following deadlines:
- a. Initial Disclosures: April 15, 2022
 - b. Expert Disclosures: July 15, 2022
 - c. Supplemental / Rebuttal Expert Disclosures: August 15, 2022
 - d. Discovery: September 16, 2022
 - e. Dispositive Motion filing: November 15, 2022
 - f. Dispositive Motion Hearing: January 24, 2023
 - g. Joint-Mid Litigation Statement Filing: 14 days before close of discovery (September 2, 2022)
 - h. Final Pre-Trial Conference: March 10, 2023
 - i. Jury Trial: April 17, 2023

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1 **IT IS SO STIPULATED.**

2 Date: March 25, 2022

PORTER | SCOTT
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4 By /S/ Alison J. Southard
5 William E. Camy
6 Alison J. Southard
7 Attorneys for Butte County Defendants

8 Date: March 25, 2022

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9
10 By /S/ David R. Norton (As Approved on 3/25/22)
11 Carl L. Fessenden
12 David R. Norton
13 Suli A. Mastorakos
Attorneys for Sacramento County Defendants

14 Date: March 25, 2022

LAW OFFICES OF JEROME M. VARANINI

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16 By /S/ Jerome M. Varanini (As Approved on 3/25/22)
17 Jerome M. Varanini
18 Attorney for Defendants CALIFORNIA
19 FORENSIC MEDICAL GROUP, INC., and
WELLPATH MANAGEMENT, INC

20 Date: March 25, 2022

ANDREW E. BAKOS & ASSOCIATES, P.C.

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22
23 By /S/ Andrew Bakos
24 Andrew Bakos
Attorney for Plaintiffs

25 Date: March 25, 2022

D.B. HILL, A PROFESSIONAL LAW CORPORATION

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27 By /S/ Dennis B. Hill (As Approved on 3/25/22)
28 Dennis B. Hill
Attorney for Plaintiffs

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore, **IT IS HEREBY ORDERED** as follows:

1. All discovery that has occurred in Case No. 2:20-cv-00445-JAM-EFB shall be able to be used in 2:21-cv-0277 JAM-JDP to the same extent that it would have been able to be used in Case No. 2:20-cv-00445-JAM-EFB;
2. The document previously filed as Dckt. No. 6 is withdrawn.
3. Defendants S. Parker, D. Brownfield, Sergeant Turner, Sergeant Behlke, Deputy Darnell, Deputy Smith, Deputy Yee, Deputy Bazan, Deputy Thornton, Sergeant Mell, Deputy Lazurenko, Deputy LaRue, Deputy Ogden, Deputy Mayfield, Deputy Davis, Deputy Tauscher, Lt. Jarrod Agurkis, Officer McKersie, Sergeant Bunn, Sergeant Jenkins, Officer Rickett, Lieutenant Hodgkins, Officer Gailey, Officer Tallman, Officer Pomosson, and Officer Folena, are hereby dismissed with prejudice.
4. The deadline for Defendants County of Sacramento and County of Butte to respond to the complaint in the instant action shall be within 21 days of the date of this Order.
5. The following deadlines are hereby set:
 - j. Initial Disclosures: April 15, 2022
 - k. Expert Disclosures: July 15, 2022
 - l. Supplemental / Rebuttal Expert Disclosures: August 15, 2022
 - m. Discovery: September 16, 2022
 - n. Dispositive Motion filing: November 15, 2022
 - o. Dispositive Motion Hearing: January 24, 2023
 - p. Joint-Mid Litigation Statement Filing: 14 days before close of discovery (September 2, 2022)
 - q. Final Pre-Trial Conference: March 10, 2023, at 11:00 AM
 - r. Jury Trial: April 17, 2023, at 9:00 AM

IT IS SO ORDERED.

DATED: March 25, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE